



LAHIVE
&
COCKFIELD
L L P

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
www.lahive.com
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1997)
JAMES E. COCKFIELD (1930-2005)
THOMAS V. SMURZYNSKI
GIULIO A. DeCONTI, JR.
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DEBRA J. MILASINCIC, Ph.D.
MEGAN E. WILLIAMS, Ph.D.
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPPERT
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER
HATHAWAY P. RUSSELL *
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.
DANIELLE L. HERRITT

EUIHOON LEE **
MANEESH GULATI
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
MICHAEL J. BASTIAN, Ph.D.
JAMES M. MCKENZIE
JILL R. GORNY
SAPNA MEHTANI, Ph.D.
JACOB G. WEINTRAUB
LAURA C. DILORENZO

OF COUNSEL
JEREMIAH LYNCH
JEANNE M. DIGIORGIO
CYNTHIA L. KANIK, Ph.D.
BENEDICT A. MONACHINO

PATENT AGENTS
CATHERINE J. KARA, Ph.D.
CRISTIN HOWLEY COWLES, Ph.D.
JILL ANN MELLO, Ph.D.
JAMES H. VELEMA
BRIAN C. TRINQUE, Ph.D.

TECHNICAL SPECIALISTS
CATHERINE M. BISHOP
DEBORAH L. NAGLE, Ph.D.
ANNE JACQUELINE WIZEMAN, Ph.D.
CHRISTOPHER R. COWLES, Ph.D.
W. ELANA WANG
MEAGHAN L. RICHMOND, Ph.D.
SHARON M. WALKER, Ph.D.
ALISSA H. FARIS
SEAN R. MacDAVITT
ANITA M. BOWLES, Ph.D.
MARCIE B. CLARKE, Ph.D.

* Admitted in TX only
** Admitted in CT only

24/26/06
April 24, 2006

MS APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RE: U.S. Patent Application Application No.: 09/905,436
Title: STORAGE NETWORK DATA REPLICATOR
Inventor(s): Teloh et al.
Filing Date: July 13, 2001
Your Reference: P6396
Our Reference: SMQ-082

Dear Sir:

Enclosed herewith is an Appeal Brief in the above-captioned matter. The response due date of April 22, 2006, which fell on a Saturday, is extended until April 24, 2006. Also enclosed is:

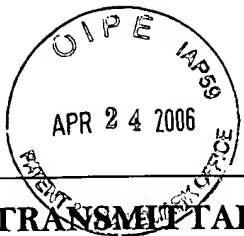
1. Appeal Brief Transmittal;
2. Fee Transmittal;
3. Five Month Request for Extension of Time; and
4. Return postcard.

Please charge the amount of \$2,160.00 to Deposit Account No. 12-0080.

Very truly yours,
LAHIVE & COCKFIELD, LLP

David R. Burns

David R. Burns
Reg. No. 46,590
28 State Street
Boston, MA 02109
(617) 227-7400

**TRANSMITTAL OF APPEAL BRIEF**Docket No.
SMQ-082/P6396In re Application of: John TELOH *et al.*Application No.
09/905436-Conf. #3431Filing Date
July 13, 2001Examiner
H. C. LeGroup Art Unit
2142

Invention: STORAGE NETWORK DATA REPLICATOR

TO THE COMMISSIONER OF PATENTS:Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal
filed: April 24, 2006The fee for filing this Appeal Brief is \$ 500.00☒ Large Entity☐ Small Entity☒ A petition for extension of time is also enclosed.The fee for the extension of time is \$ 2,160.00☐ A check in the amount of _____ is enclosed.☒ Charge the amount of the fee to Deposit Account No. 12-0080
This sheet is submitted in duplicate.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge any additional fees that may be required or
credit any overpayment to Deposit Account No. 12-0080
This sheet is submitted in duplicate.Dated: April 24, 2006David R. Burns
Attorney Reg. No. : 46,590
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400



Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL For FY 2005		Application Number	09/905436-Conf. #3431
		Filing Date	July 13, 2001
		First Named Inventor	John TELOH
		Examiner Name	H. C. Le
		Art Unit	2142
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	SMQ-082/P6396
TOTAL AMOUNT OF PAYMENT	(\$) 2,660.00		

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify):	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 12-0080 Deposit Account Name: Lahive & Cockfield, LLP
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
							Small Entity
							Fee (\$)
2. EXCESS CLAIM FEES							Fee (\$)
Fee Description							Fee (\$)
Each claim over 20 (including Reissues)							50
Each independent claim over 3 (including Reissues)							200
Multiple dependent claims							360
Total Claims							Fee (\$)
Extra Claims							Fee (\$)
Fee (\$)							Fee Paid (\$)
- 20 =							x
Indep. Claims							Fee (\$)
Extra Claims							Fee (\$)
Fee (\$)							Fee Paid (\$)
- 3 =							x
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets		Extra Sheets	Number of each additional 50 or fraction thereof		Fee (\$)	Fee Paid (\$)	
- 100 =		/50	(round up to a whole number) x		=	Fees Paid (\$)	
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)						500.00	
Other (e.g., late filing surcharge): 1402 Filing a brief in support of an appeal						2,160.00	
1255 Extension for response within fifth month							

SUBMITTED BY		Registration No.	Telephone
Signature	David R. Burns	46,590	(617) 227-7400
Name (Print/Type)	David R. Burns	Date	April 24, 2006